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Document Type: **CIVIL ACTION - MISC**

Document Desc: **SUMMONS + COMPLAINT**

Plaintiff

STEFANO ERICA

Defendant

GRACE BAPTIST CHURCH

Recorded Information:

Index #: 000855-2019

State of New York
County of Livingston

Efiling through NYSCEF

A handwritten signature in black ink, appearing to read "Mary F. Strickland", is written over a light blue grid background.

Livingston County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF LIVINGSTON-----X
ERICA STEFANO,

Plaintiff,

-against-

GRACE BAPTIST CHURCH,

Defendants,
-----X**SUMMONS**Plaintiff(s) designate
Livingston County as the place
of trial.The basis of the venue is
Defendants Principle place of
businessPlaintiff(s) reside at
3171 Center Street
Piffard, New York 14533Index No.:
Date Summons &
Complaint Filed:**To the above named Defendant(s)**

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Port Washington, NY
September 12, 2019By: 

Brett A. Zekowski

Parker Waichman LLP*Office & Post Office Address:*

6 Harbor Park Drive

Port Washington, NY 11050

(516) 466-6500

Our File # 9007090

TO:

Grace Baptist Church
9316 Main Street
Dansville, New York 14437

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF LIVINGSTON

-----X
ERICA STEFANO,

Plaintiff,

-against-

GRACE BAPTIST CHURCH,

Defendant,

-----X

VERIFIED COMPLAINT

Index No.:

Jury Trial Demanded

Plaintiff ERICA STEFANO, Erica Stefano, by her attorneys Parker Waichman LLP, complaining of the defendant GRACE BAPTIST CHURCH s, respectfully alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

1. At the time of the commencement of this action plaintiff ERICA STEFANO was a resident of the County of Livingston, State of New York.
2. At the time of the incident(s) giving rise to this complaint, plaintiff ERICA STEFANO was a resident of the County of Livingston, State of New York.
3. This action is timely pursuant to CPLR 214-g.
4. At all times herein mentioned, defendant GRACE BAPSTIST CHURCH was a religious corporation organized pursuant to the Religious Corporations Law, with its principal office at 9316 Main Street, Dansville, NY 14437.
5. At all times herein mentioned, GRACE BAPTIST CHURCH was a Baptist Church or parish.
6. At all times herein mentioned GRACE BAPTIST CHURCH oversaw, managed, controlled, directed and operated GRACE BAPTIST CHURCH.
7. At all times herein mentioned GRACE BAPTIST CHURCH managed, supervised

and controlled those who were employed or otherwise worked for GRACE BAPTIST CHURCH including, but not limited to priests, nuns, deans, deacons, bishops and other personnel and volunteers, both while they were on premises and engaged in off-premises activities related to their employment with GRACE BAPTIST CHURCH.

8. From on or about 1995-1997, plaintiff ERICA STEFANO became a parishioner of GRACE BAPTIST CHURCH where abuse occurred. Plaintiff ERICA STEFANO ceased being a parishioner at parish where abuse occurred on or about 1997.

9. At all times herein mentioned and relevant to the allegations set forth herein William Wood was a Dean at GRACE BAPTIST CHURCH assigned as by Defendant GRACE BAPTIST CHURCH.

10. At all times herein mentioned, William Wood was employed by GRACE BAPTIST CHURCH.

11. Through his position with GRACE BAPTIST CHURCH, William Wood was put in direct contact with Plaintiff ERICA STEFANO, then an infant.

12. That on or about 1995-1997, William Wood sexually abused the plaintiff ERICA STEFANO.

13. At all times herein mentioned William Wood was under the management, supervision, employ, direction and/or control of Defendant GRACE BAPTIST CHURCH.

14. Defendant GRACE BAPTIST CHURCH knew and/or reasonably should have known and/or knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of William Wood who sexually abused the Plaintiff ERICA STEFANO while Plaintiff ERICA STEFANO was an infant.

15. Defendant GRACE BAPTIST CHURCH had the responsibility to manage, supervise, control and/or direct priests/deans assigned to GRACE BAPTIST CHURCH.

16. At all relevant times, GRACE BAPTIST CHURCH had a duty not to aid pedophiles such as William Wood by assigning, maintaining and/or appointing he/she to positions in which he/she would have access to minors.

17. At all relevant times, William Wood used his position as a priest/dean to entice, take control of Erica Stefano and sexually assault, sexually abuse or have sexual contact with Erica Stefano while plaintiff ERICA STEFANO was a minor.

18. From on or about 1995-1997 defendant GRACE BAPTIST CHURCH were other priests, seminary students and other personnel assigned by Defendant GRACE BAPTIST CHURCH.

19. Through his position at, GRACE BAPTIST CHURCH, William Wood was put in direct contact with plaintiff ERICA STEFANO, an infant parishioner.

20. William Wood, used his encounters with plaintiff ERICA STEFANO, gained through his position at GRACE BAPTIST CHURCH which granted him access to defendant GRACE BAPTIST CHURCH s' youngest parishioners, to sexually assault, sexually abuse and/or have sexual contact with plaintiff ERICA STEFANO in violation of the laws of the State of New York.

21. Defendant GRACE BAPTIST CHURCH s, individually, jointly and/or severally, violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

22. Plaintiff ERICA STEFANO suffered physical and psychological injuries and damages as a result of her childhood sexual abuse by William Wood.

23. As a direct result of defendant GRACE BAPTIST CHURCH s' conduct, Plaintiff ERICA STEFANO suffered and will continue to suffer great pain of body and mind, severe and

permanent emotional distress and physical manifestations of emotional distress. As a result of her childhood sexual abuse, plaintiff ERICA STEFANO has been prevented from obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and has incurred and will continue to incur loss of income and/or loss of earning capacity.

24. Because of her childhood sexual abuse, Plaintiff ERICA STEFANO is unable to fully describe all of the details of that abuse and the extent of the harm that she suffered as a result.

**AS AND FOR A FIRST CAUSE OF ACTION
NEGLIGENT HIRING, RETENTION, SUPERVISION AND/OR DIRECTION**

25. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

26. The sexual abuse of children by adults, including priests and teachers, is foreseeable.

27. Defendant GRACE BAPTIST CHURCH at all relevant times represented and held out to the public that GRACE BAPTIST CHURCH was to be safe places for learning and participating in youth activities.

28. At all relevant times, defendant GRACE BAPTIST CHURCH were each under an express and/or implied duty to protect and care for plaintiff ERICA STEFANO.

29. Defendant GRACE BAPTIST CHURCH negligently hired, retained, directed and supervised William Wood because they knew or should have known that William Wood posed a threat of sexual abuse of children such as plaintiff ERICA STEFANO.

30. Defendant GRACE BAPTIST CHURCH knew or should have known that William Wood had a propensity to engage in the conduct which caused plaintiff ERICA STEFANO's injuries prior to or about the time of the occurrence of these injuries.

31. Defendant GRACE BAPTIST CHURCH owed a duty of care to all minors, including plaintiff ERICA STEFANO, who were likely to come under the influence or supervision of William Wood in their role as teacher, priest, dean, counselor, trustee, director, officer, employee, agent, servant and/or volunteer to ensure that William Wood did not use their assigned positions to injure minors by sexual assault, sexual abuse or sexual contact with minors.

32. William Wood sexually assaulted, sexually abused and/or had sexual contact with plaintiff ERICA STEFANO on Defendant GRACE BAPTIST CHURCH s' premises.

33. Defendant GRACE BAPTIST CHURCH were put on notice of William Wood's improper and inappropriate actions toward minors.

34. Defendant GRACE BAPTIST CHURCH were negligent in failing to properly supervise William Wood.

35. Defendant GRACE BAPTIST CHURCH were negligent in failing to properly manage William Wood.

36. Defendant GRACE BAPTIST CHURCH were negligent in failing to properly control William Wood.

37. At all relevant times, defendant GRACE BAPTIST CHURCH were willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of plaintiff ERICA STEFANO.

38. As a direct and proximate result of defendant GRACE BAPTIST CHURCH s' above described omissions, plaintiff ERICA STEFANO has suffered and will continue to suffer the injuries described herein.

39. By reason of the foregoing, the Defendant GRACE BAPTIST CHURCH are liable to plaintiff ERICA STEFANO jointly, severally and/or in the alternative, for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional

limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
NEGLIGENCE/GROSS NEGLIGENCE**

40. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 39 as if fully set forth herein.

41. Defendant GRACE BAPTIST CHURCH knew or negligently failed to know that William Wood posed a threat of sexual abuse to children.

42. The acts of defendant GRACE BAPTIST CHURCH and William Wood as described above, were undertaken, enabled by, and/or during the course of their respective employment, assignment, appointment and/or agency with William Wood.

43. Defendant GRACE BAPTIST CHURCH:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons in work involving risk of harm to others;
- b. failed to adequately supervise the activities of William Wood;
- c. permitted and/or intentionally failed and/or neglected to prevent negligent or tortious conduct by persons, whether or not their servants, agents or employees, upon premises under their control; and
- d. allowed the acts of omission and/or commission of any or all of the allegations set forth in this Complaint to occur.

44. At all relevant times William Wood was under the supervision, employ, direction and/or control of defendant GRACE BAPTIST CHURCH.

45. At all relevant times, defendant GRACE BAPTIST CHURCH were wanton, willful, malicious, reckless and outrageous in their disregard for the rights and safety of plaintiff ERICA STEFANO, which conduct was equivalent to criminal conduct.

46. As a direct and/or indirect result of said conduct, Plaintiff ERICA STEFANO has suffered injuries and damages as described herein.

47. By reason of the foregoing, defendant GRACE BAPTIST CHURCH s jointly, severally and/or in the alternative are liable to plaintiff ERICA STEFANO for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**THIRD CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY**

48. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 47 as if fully set forth herein.

49. At all relevant times, there existed a fiduciary relationship of trust, confidence, and reliance between plaintiff ERICA STEFANO, on the one hand and defendant GRACE BAPTIST CHURCH on the other, based upon the entrustment of plaintiff ERICA STEFANO, while he was a minor child, to the care and supervision of the defendant GRACE BAPTIST CHURCH and each of them, as a parishioner, worshiper, invitee, attendee or guest at GRACE BAPTIST CHURCH and as a student, invitee, attendee or guest at GRACE BAPTIST CHURCH. The entrustment of the plaintiff ERICA STEFANO to the care and supervision of the defendant GRACE BAPTIST CHURCH and each of them, while plaintiff ERICA STEFANO was a minor child, required the defendant GRACE BAPTIST CHURCH to assume a fiduciary role and to act in the best interests of the plaintiff ERICA STEFANO and to protect him while he was a minor and vulnerable child.

50. Pursuant to their fiduciary relationship with Plaintiff ERICA STEFANO, defendant GRACE BAPTIST CHURCH were entrusted with the well-being, care and safety of Plaintiff ERICA STEFANO.

51. Pursuant to their fiduciary relationship with Plaintiff ERICA STEFANO, defendant

GRACE BAPTIST CHURCH assumed a duty to act in the best interests of Plaintiff ERICA STEFANO.

52. Defendant GRACE BAPTIST CHURCH breached their fiduciary duties to plaintiff ERICA STEFANO.

53. At all relevant times, the actions and/or inactions of William Wood were willful, malicious, wanton, reckless and outrageous in their disregard for the rights and safety of plaintiff ERICA STEFANO.

54. As a direct result of William Wood's conduct, plaintiff ERICA STEFANO has suffered injuries and damages described herein.

55. By reason of the foregoing, Defendant GRACE BAPTIST CHURCH jointly, severally and/or in the alternative are liable to plaintiff ERICA STEFANO for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**FOURTH CAUSE OF ACTION
BREACH OF NON-DELEGABLE DUTY**

56. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 55 as of fully set forth herein.

57. When she was a minor, plaintiff ERICA STEFANO was placed in the care of defendant GRACE BAPTIST CHURCH and William Wood for the purposes of providing plaintiff ERICA STEFANO with a safe environment in which to participate in youth activities and receive an education. There was thus created a non-delegable duty of trust between plaintiff ERICA STEFANO and defendant GRACE BAPTIST CHURCH.

58. Plaintiff ERICA STEFANO was a vulnerable child when placed in the care of defendant GRACE BAPTIST CHURCH and William Wood.

CHURCH which included, but were not limited to, negligent and/or grossly negligent conduct, plaintiff ERICA STEFANO suffered severe injuries and damages as described herein, including, but not limited to, mental and emotional distress.

68. By reason of the foregoing, Defendant GRACE BAPTIST CHURCH jointly, severally and/or in the alternative are liable to plaintiff ERICA STEFANO for compensatory damages and for punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SIXTH CAUSE OF ACTION
BREACH OF STATUTORY DUTY PURSUANT TO NEW YORK
SOCIAL SERVICES LAW §§ 413, 420 TO REPORT ABUSE**

69. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 68 as if fully set forth herein.

70. Pursuant to N.Y. Social Services Law §§413, 420, defendant GRACE BAPTIST CHURCH had a statutory duty to report the reasonable suspicion of abuse of children in their care.

71. Defendant GRACE BAPTIST CHURCH breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by William Wood of children in their care.

72. As a direct and/or indirect result of said conduct, plaintiff ERICA STEFANO has suffered injuries and damages as described above.

73. By reason of the foregoing, defendant GRACE BAPTIST CHURCH jointly, severally and/or in the alternative are liable to plaintiff ERICA STEFANO for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SEVENTH CAUSE OF ACTION
SEXUAL ABUSE
(AS TO DEFENDANT GRACE BAPTIST CHURCH (S) JOHN DOE)**

74. Plaintiff ERICA STEFANO repeats and realleges each and every allegation set forth in paragraphs 1 through 73 as if fully set forth herein.

75. William Wood did sexually assault, sexually abuse, and/or have sexual contact with plaintiff ERICA STEFANO in violation of the laws of the State of New York.

76. By repeatedly sexually assaulting, sexually abusing and/or having sexual contact with plaintiff ERICA STEFANO, defendant GRACE BAPTIST CHURCH and William Wood placed plaintiff ERICA STEFANO in imminent and reasonable apprehension of harmful and offensive contact.

77. By repeatedly sexually assaulting, sexually abusing and/or having sexual contact with plaintiff ERICA STEFANO, defendant GRACE BAPTIST CHURCH and William Wood acted so as to cause repeated unjustified, harmful and offensive physical contact with plaintiff ERICA STEFANO

78. As a direct result of defendant GRACE BAPTIST CHURCH s' conduct, plaintiff ERICA STEFANO has suffered the injuries and damages described herein.

79. By reason of the foregoing, defendant GRACE BAPTIST CHURCH jointly, severally and/or in the alternative are liable to plaintiff ERICA STEFANO for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff ERICA STEFANO demands judgment against defendant GRACE BAPTIST CHURCH s on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proven at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;

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